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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 ANDREW RICK LOPEZ,

11 Petitioner,

2:02-cv-2559-GEB-KJM-P

12 vs.

13 WARDEN, CALIFORNIA STATE
14 PRISON CORCORAN, et al.,

15 Respondents.

ORDER

16 _____/
17 Petitioner, a state prisoner, has timely filed a notice of appeal of this court's March
18 26, 2008 denial of his application for a writ of habeas corpus. Before petitioner can appeal this
19 decision, a certificate of appealability must issue. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

20 A certificate of appealability may issue under 28 U.S.C. § 2253 “only if the
21 applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C.
22 § 2253(c)(2). The court must either issue a certificate of appealability indicating which issues
23 satisfy the required showing or must state the reasons why such a certificate should not issue.
24 Fed. R. App. P. 22(b).

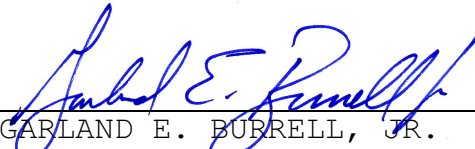
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1 For the reasons set forth in the magistrate judge's March 14, 2008 findings and
2 recommendations, petitioner has not made a substantial showing of the denial of a constitutional
3 right. Accordingly, a certificate of appealability should not issue in this action.

4 IT IS SO ORDERED.

5 Dated: April 9, 2008

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8 GARLAND E. BURRELL, JR.
United States District Judge